Gambia, The

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The Gambia is a republic under multiparty democratic rule. President Alhaji Yahya A.J.J. Jammeh was reelected president for 5 years in October 2001, in an election the results of which the opposition initially accepted and observers considered generally free and fair, despite some shortcomings. Observers considered the January legislative elections and the April local election generally free and fair; however, the coalition of the largest opposition parties boycotted both elections. President Jammeh's political party, the Alliance for Patriotic Reorientation and Construction (APRC), won the majority of the National Assembly and the majority of the local council seats. The multiparty opposition remained weak and divided. Unlike in the previous year, the Government did not rely on the security forces to implement its policies. The Constitution provides for an independent judiciary; although the courts have demonstrated their independence on occasion, the judiciary, especially at lower levels, reportedly was subject to executive branch pressure and corruption.

The Gambian Armed Forces reported to the Secretary of State for Defense, a position that was held by the President. The police reported to the Secretary of State for the Interior. The National Intelligence Agency (NIA) reported directly to the President but otherwise was autonomous. The NIA was charged with protecting state security by conducting intelligence and covert investigations. These forces generally were responsive to the Government; however, they occasionally acted without direct orders. While civilian authorities generally maintained effective control of security forces, there were a few instances in which elements of the security forces, particularly the NIA, acted independently of government authority. Some members of the security forces committed human rights abuses.

The economy was market oriented with encouragement for private enterprise, and a rapidly growing population of approximately 1.4 million. Much of the population was engaged in subsistence farming. The country's farmers, a majority of whom were women, grow rice, millet, corn, and groundnuts (peanuts), the country's primary export crop. The high population growth rate has diluted the positive effects of modest economic expansion. Late rains decreased crop yields, hampered economic growth, and increased the country's burden of debt during the year. Per capita gross domestic product was estimated to be $330.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Citizens exercised their right to change their government in the January legislative elections and the March local government elections, which most observers considered relatively free and fair. Unlike in the previous year, security forces did not commit unlawful killings. Security forces harassed or otherwise mistreated journalists, detainees, prisoners, and opposition members. Prison conditions remained good, and the Government took steps to improve conditions at prisons during the year. Security forces arbitrarily arrested and detained citizens on a few occasions, particularly opposition politicians and journalists. There were reports of incommunicado detention. There was one known political prisoner. The Government at times infringed on citizens' privacy rights. The Indemnity law allows the President to make someone immune from prosecution for acts committed during any unlawful assembly, public disturbance, riotous situation, or period of public emergency. The Government limited freedom of the press, and security forces at times arrested and detained persons who publicly criticized or who published embarrassing or inaccurate stories about the Government. During the year, the Parliament passed a National Media Commission Bill, which further regulated and restricted freedom of speech and of the press. Journalists practiced self-censorship. The Government at times restricted freedom of assembly and association. The Government at times enforced restrictions on freedom of movement. In January President Jammeh invited former President Dawda Jawara to return to the country. Jawara previously remained outside the country under threat of arrest and detention on corruption charges. On June 1, President Jammeh received former President Jawara at State House. During the year, the country provided first asylum for several thousand refugees from Senegal. Violence and discrimination against women persisted. The practice of female genital mutilation (FGM)

was widespread and entrenched. Child labor was a problem, and there were some instances of child prostitution.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Unlike in the previous year, there were no reports that security forces committed unlawful killings.

Unlike in the previous year, there were no reports that security forces shot and killed persons at checkpoints. No action was taken, nor is any likely, in the following 2001 cases: The January killing of Bakary Cessay; or the October killing of Hussein Wasni; or the October killing of Ousman Cessay.

No action was taken, nor is any likely, in the January 2000 killing of two military personnel.

In 2001 the Government established a commission to examine the findings of a coroner's inquest into the killings of 14 persons by security forces in April 2000; however, the Government rejected the commission's findings and decided that no one would be prosecuted (see Section 1.c.). The 2001 Indemnity Law protected individuals from prosecution or legal action by the families of the victims.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that government officials employed them. There continued to be reports that security forces mistreated detainees; however, there were no reports that prisoners or opposition supporters were tortured while in detention.

Police officers harassed journalists during the year (see Section 2.a.).

Unlike in the previous year, there were no reports that security forces shot and injured several persons (see Section 1.a.) or that police harassed and detained citizens and foreigners at gunpoint.

Unlike in the previous year, President Jammeh did not threaten opposition members.

No action was taken against the responsible members of the security forces who beat or otherwise abused persons in the following 2001 cases: The February beating of John Seneise; the April beating of 17-year-old Sukuta Secondary student, Brian Secka; and the June beating of three athletes from Kanifing after a volleyball match.

No action was taken against those responsible for election violence in 2001.

No action was taken against the responsible members of the security forces who beat or otherwise abused persons in the following 2000 cases: The January mistreatment of Ousman Ceesay or the May beating of a journalist from the Democratic Republic of the Congo.

In January 2001, following the submission of the government commission's report on the killing of 14 students by security forces in April 2000, the Government announced that it disagreed with the recommendations of the commission and, in the spirit of reconciliation, nobody would be prosecuted. In April 2001, after a heated debate, the National Assembly approved a very controversial Indemnity Bill, which was backdated to January 2000. The coalition of lawyers and some National Assembly members who disagreed with the bill said that the bill, which was passed to amend the Indemnity Act of 1982, would deny persons their right of access to justice. The bill read: "The President may, for the purpose of promoting reconciliation in an appropriate case, indemnify any person he may determine, for any act, matter or omission to act, or things done or purported to have done during any unlawful assembly, public disturbance, riotous situation or period of public emergency." In May 2001, the President signed the bill, despite a general outcry and petitions from human rights organizations. The legislation prevents those

affected, including parents of children killed in April 2000, from seeking redress in any court in the country.

There were no reports of violence related to the January legislative elections.

Conditions at Mile 2, Janjanbureh, and Jeshwang prisons remained spartan but adequate. The International Committee of the Red Cross (ICRC) visited Mile 2 and Jeshwang prison during the year and found that the conditions were good. Prisoners received three meals a day, each prison had an infirmary, and outside doctors were brought in to provide additional medical care when required. However, the ICRC also noted that the psychological conditions of the prisons were "hard;" for example, maximum security prisoners were confined to small, individual cells for 21 hours a day and were allowed few family visits. The Prison Department organized a Prison Rehabilition Week (PRW), which focused public attention on the prisoners and raised funds for skills training for prisoners. The program also targeted female and juvenile prisoners.

There were credible reports of beatings and malnourishment of detainees; however, there were no reports of harsh treatment of long-term prisoners. Local jails continued to experience overcrowding. Inmates, including detainees awaiting charges and those who were charged and awaiting trial, occasionally had to sleep on the floor; they were provided with mats or blankets. Police were reluctant to terminate fistfights between prisoners until the dispute was settled, and many of the prisoners were injured. Women, juveniles, and pretrial detainees were housed separately. There was no separate section or facility for political prisoners; there was only one known political prisoner.

Unlike in previous years, local nongovernmental organizations (NGOs) generally were permitted to visit prisons upon request. Representatives from the African Commission on Human and Peoples Rights and the ICRC visited the three prisons during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution includes provisions to protect against arbitrary arrest and detention; however, police and security forces arbitrarily arrested and detained citizens on a few occasions. Periods of detention ranged from a few hours to 2 weeks. There were reports that some detainees were held incommunicado.

The Government has not revoked formally military decrees enacted prior to the 1997 Constitution that give the NIA and the Secretary of State for the Interior broad power to detain individuals indefinitely without charge "in the interest of national security." The Constitution provides that decrees remain in effect unless inconsistent with constitutional provisions. These detention decrees appear to be inconsistent with the Constitution, but they have not been subject to judicial challenge. The Government has stated that it no longer enforced these decrees; however, in some instances, the Government did not respect the constitutional requirement that detainees be brought before a court within 72 hours. Detainees often were released after 72 hours and instructed to report to the police station or NIA headquarters periodically until their case went to trial. During the year, many local police stations and the NIA changed their procedures and practices to satisfy the constitutional requirement that any detainee be released or charged within 72 hours.

The law requires that authorities obtain a warrant before arresting a person; however, persons were arrested without them. Detainees were not always allowed prompt access to family members or a lawyer. There was a functioning bail system.

Police arrested and detained opposition party supporters; however, there were no reports of torture in detention. For example, on November 22, police arrested the leader of the UDP, Ousainou Darboe, and two other UDP members, Shyngle Nyassi and Marong because a judge revoked their bail in the murder case that has been pending since July 2000. On November 29, the court again released Darboe on bail. On December 2, Nyassi and Marong also were released on bail. At year's end, the trial was scheduled to resume in February 2003.

Security forces detained persons who expressed views in disagreement with the Government (see Section 2.a.). Security forces detained journalists during the year (see Section 2.a.). Unlike in the previous year, there were no reports that religious leaders were detained.

On June 27, the court acquitted Omar Jallow and his four associates of eight counts of conspiracy, assault, trespassing, and threatening violence.

The trials of two UDP supporters charged with breach of peace for allegedly playing a UDP political rally videocassette on the Bantanto Community Television remained pending at year's end.

No action reportedly was in the 2001 case of UDP activist Kassa Jatta; UDP militant Musa Fatty; Alanie Mybally, former vice president of Gamsu; Dr. Momodou Lamin Manneh, an opposition supporter; Citizen FM Radio director George Christensen; and Muhammed Lamin Sillah from Amnesty International. The NIA released all without charge except for Sillah. Sillah was held incommunicado and released after he was charged with inciting genocide and confusion and attempting to overthrow the Government; he was not tried.

There were no developments in the 2000 detention of Ebrima Yabo, Ebrima Barrow, Momodou Marenah, Dumo Saho, Lalo Jaiteh, and Omar Darboe on suspicion of attempting to violate state security.

Unlike in previous years, security forces did not detain persons who expressed views in disagreement with the Government.

In previous years, security forces arrested persons for allegedly plotting to overthrow the Government. At least one soldier, the alleged coup leader, arrested in 2000 for plotting to overthrow the Government, remained in detention at year's end.

The slow pace of the justice system resulted in remand prisoners waiting long periods in pretrial detention. Approximately 40 of Mile 2's 230 inmates were in detention without a trial. There were no remand prisoners at Jeshwang Prison, which housed 70 inmates. Most of the detainees have been in the remand wings of the Mile 2 and Janjanbureh prisons for more than 4 years without trial.

The Government did not use forced exile. Senior officials of the former government, including Vice President Saihou Sabally and Secretary General Abdou Sara Janha, remained outside the country for fear of harassment or detention but did not face official charges. Threats were used to prevent these politicians from returning home to participate in the presidential election, despite the repeal of Decree 89 and the enforcement of the orders of the commissions of inquiries on the assets of the affected politicians (see Section 3). Former President Sir Dawda Jawara returned to the country during the year following a December 2001 invitation from President Jammeh. Jawara previously remained outside the country under threat of arrest and detention on corruption charges. On June 1, President Jammeh received former President Jawara at the state house.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judiciary reportedly at times was subject to executive branch pressure, especially at the lower levels. Nevertheless the courts have demonstrated independence on several occasions, at times in significant cases. For example, in June the courts ruled that the Government must return the passport of opposition politician Omar "O.J." Jallow after the Immigration Department seized it (see Section 2.d.).

The judicial system suffered from corruption, especially at the lower levels, and from inefficiency at all levels. Many cases were not heard for months or years because the court system was overburdened and lacked the capacity to handle the high volume of cases. In an effort to alleviate the backlog and reduce the possibility of undue influence and corruption, the Government solicited judges and magistrates from other Commonwealth countries who share a similar legal system. Despite these steps, the problem of corruption in the legal system persisted. The Constitution provides for the right to a fair trial; however, the lack of resources and widespread corruption limited this right in practice.

The judicial system comprises the Supreme Court, the Court of Appeal, high courts, and eight magistrate courts. Village chiefs presided over local courts at the village level. Trials were public, and defendants had the right to an attorney at their own expense. Defendants received presumption of innocence; had the right to confront witnesses and evidence against them; presented witnesses on their own behalf; and could appeal judgement to a higher court.

The judicial system recognizes customary, Shari'a, and general law. Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure, tribal and clan leadership, and all other traditional and social relations. Shari'a law was observed primarily in Muslim marriage and divorce matters; and it favored men in its provisions. Christian and civil marriage and divorce matters were settled by the appropriate church and the Office of the Attorney General. General law, following the English model, applied to felonies and misdemeanors in urban areas, and to the formal business sector.

In 1997 the Court of Appeal overturned the treason convictions and death sentences of four men accused of leading an abortive coup in 1996. The Government appealed this decision to the Supreme Court, and the case

remained before the Supreme Court at year's end.

Persons have been held for extended periods without trial (see Section 1.d.).

There was one known political prisoner, a former AFPRC vice chairman, Lieutenant Sana Sabally, who was serving 9 years at Mile 2 prison in Banjul for conspiring to assassinate the President in 1995. International and domestic human rights organizations were not permitted access to him.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such abuses; although the Government generally respected these prohibitions, in practice there were some exceptions. The Government has not repealed Decree 45, which abrogates constitutional safeguards against arbitrary search and permits search and seizure of property without due process. This decree formally remained in effect, pending a judicial finding that the decree is inconsistent with the Constitution. In practice the Government appeared not to enforce it, but no court case has been brought to test the decree's constitutionality. In some instances, security forces forcibly entered homes to arrest citizens without warrants.

Opposition politician Omar "O.J." Jallow alleged that security forces entered his compound without permission at night to arrest him when they confiscated his passport and detained him.

Observers believed the Government monitored citizens engaged in activities that it deemed objectionable.

The Government restricted the right to transfer funds and in previous years, confiscated the assets of most senior officials of the former Jawara government.

In April 2000, the Tambakoto village head illegally seized the land of five UDP activists; the lands had not been returned by year's end.

There were no investigating commissions formed during the year.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, however, in practice the Government limited the full exercise of these freedoms by using intimidation and restrictive media legislation. The Government also employed arrest, detention, and interrogation to intimidate journalists and newspapers that published articles that it considered inaccurate or sensitive. As a result, journalists practiced a significant degree of self-censorship.

Security forces arrested and detained persons who publicly criticized the Government or who expressed views in disagreement with the Government (see Section 1.d.). For example, on September 16, the NIA detained Omar "O.J." Jallow for critical remarks he made about the Government (see Section 2.d.).

No subsequent action was taken in the case of Muhammed Lamin Sillah, the coordinator of the Coalition of Human Rights Defenders and Secretary General of the domestic chapter of Amnesty International.

Decrees 70 and 71 continued to inhibit free reporting. The decrees require all newspapers to post a $4,500 (100,000 dalasi) bond or cease publication. The bond was required to ensure payment of any penalties imposed by a court for the publication of blasphemous or seditious articles or other libel. State-owned publications were not subject to these decrees. The possession and distribution of documents deemed to be "political literature" was not barred by decree, and the ruling APRC and opposition parties distributed leaflets and papers that could be considered "political literature" during the year. Although still independent, the nongovernment press practiced a degree of self-censorship. Despite government harassment, strong criticism of the Government was frequent, and opposition views appeared in the independent press.

English, French, and other foreign newspapers and magazines were available. The Government published a daily newspaper, the Gambia Daily. The Daily Observer, though independent, favored the Government in its coverage; however, during the year, there were a few occasions that the newspaper featured an editorial that criticized the

Government's position on the Media Commission Bill. There were four other independent newspapers, including one published by an opposition political party, and one independent weekly magazine. All newspapers that were not state-owned pay a $4,500 (100,000 dalasi) mandatory registration fee. Independent publications continued to operate; however, they complained that the fee places a serious financial burden on them.

On August 5, President Jammeh signed the National Media Commission Bill, which imposed restrictions on the press's ability to cover the news. The legislation gave a state-appointed committee the right to license and register journalists (and to impose subject heavy fines and suspension for failure to do so), force reporters to reveal confidential sources, issue arrest warrants to journalists, and formulate a journalistic code of ethics. A high court judge, who would be chosen by the Chief Justice, would chair the Media Commission. The media and international press organizations criticized the media commission as a potential infringement on press freedom. The commission will include four government representatives: the Permanent Secretary of the department responsible for information, the Director General of Gambia Radio and Television Services (GRTS), the Executive Secretary of the Commission, and a representative of the Women's Bureau. It also will include representatives of the following 5 NGOs: The Gambia Press Union (an independent press organization), the Gambia Teachers Union, the Supreme Islamic Council, the Gambian Christian Council, and the Gambia Bar Association.

Security forces and police harassed and detained journalists. The Government detained, questioned, and otherwise harassed journalists and editors of newspapers that published articles it considered inaccurate or sensitive. For example, on July 19, the NIA arrested a Congolese reporter from the Pan African News Agency (PANA), Guy Patrick Massoloka, and detained him for approximately 2 weeks. Massoloka claimed mistreatment in detention. The Government claimed Massoloka published an unregistered weekly newspaper and deported him before filing charges against him.

On August 2, the NIA arrested and detained Pa Ousman Darboe and Alhaji Yoro Jallow, reporters at the Independent newspaper, in relation to an article alleging that the Vice-President had remarried. Both were released within 72 hours of detention.

There reportedly was no action taken against the members of the police responsible for detaining, and in some cases beating, Alieu Badara Mansaray; UDP activist Kassa Jatta; Momadou Thomas; Bakary Manneh; and Namory Thawl in 2001.

Unlike in the previous year, there were no reports that security forces forcibly entered the homes of journalists.

The Government generally did not restrict the publication, importation, or distribution of written material; however, some problems remained. On April 20, police arrested and detained until April 24 without bail Musa Sanyang for printing and distributing photographs of Omar Ceesay, an independent candidate in the election for Basse council chair. On April 20, police in Basse arrested Musa Sanyang and held him until April 24 without bail. The police released him without charge and without stating a reason for the arrest, although Sanyang believed it was related to his support for an independent candidate in the April 25 local election.

Unlike in previous year, President Jammeh did not threaten Gambia Radio.

One government controlled and four private radio stations broadcast during the year. Occasionally there were public affairs broadcasts on at least two independent radio stations. Local stations sometimes rebroadcast the British Broadcasting Corporation (BBC), Radio France Internationale, and other foreign news reports, and all were available via shortwave radio. Senegalese television and radio were available in many parts of the country. Wealthy residents also used television satellite systems to receive independent news coverage.

During most of the year, government television and radio gave very limited coverage to opposition activities, including statements by opposition parliamentarians in the National Assembly. However, during the January and April elections, opposition candidates had frequent and fair access to state-owned radio and television. In most other respects, the state media served as propaganda instruments for the Government and its supporters.

Former producer Peter Gomez did not appeal his dismissal from state-owned Radio Gambia.

Unlike in previous years, there were no reports that security forces arrested journalists on the pretext of financial matters regarding their stations. Citizen FM was known in the past for its civic education and political programming and remained closed at year's end. At year's end, Baboucarr Gaye, the owner of Citizen FM, had paid the entire amount of an alleged tax owed to the Government; however, he had not been allowed to appear in court or re-open the radio station.

There was convenient, inexpensive Internet access through Internet cafes and private accounts. The Government did not restrict Internet access or operation.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, at times the Government limited this right in practice. The authorities interfered with efforts by the principal opposition party, the UDP, to organize public meetings. For example, in May the UDP had applied for and received a permit to use a public address system during a tour of the North Bank. After the tour began, the UDP received a letter from the Inspector General of Police revoking the permit with no cause stated. The UDP and other opposition parties held public rallies freely the rest of the year, and there were no reports that security forces disrupted demonstrations.

In May 2001, the President signed a bill that allows him to indemnify, or grant amnesty to, any person he determines for any action done during an unlawful assembly or other disturbance (see Section 1.c.).

The Constitution provides for freedom of association; however, the Government restricted this right in practice. The AFPRC's Decree 81 of 1996 requires NGOs to register with the National Advisory Council, which has the authority to deny, suspend, or cancel the right of any NGO to operate, including that of international NGOs. However, the Government did not take action against any NGOs during the year.

Unlike in the previous year, the Government did not expel foreign diplomats from the country.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

No subsequent action was taken in the 2001 case of Imam Baba Leigh.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights but allows for "reasonable restrictions," which the Government at times enforced. Unlike in previous years, police did not harass or detained citizens and foreigners at gunpoint or shoot or kill anyone at checkpoints.

The authorities prohibited those under investigation for corruption or security matters from leaving the country. On March 24, when People's Progressive Party (PPP) leader Omar "O.J." Jallow returned from observing a foreign election, government officials confiscated his passport. Jallow claimed that the seizure was in retribution for politically charged remarks he had made comparing the country's presidential election to other African countries. The Government claimed it had the right to hold Jallow's passport to prevent him from traveling while he faced corruption charges; however, earlier in the month, the judge in the case against Jallow had granted him permission to leave the country. The Government also failed to return the passport when ordered to do so by the court and continued to hold it after Jallow was acquitted. On September 26, the Government returned Jallow's passport.

Unlike in the previous year, there were no reports that security forces harassed immigrants.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government granted first asylum to refugees and generally cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations. The Government worked with the UNHCR and local NGOs in processing refugee claims. The country hosted approximately 3,500 Senegalese refugees from the troubled Casamance region, as well as approximately 4,500 additional refugees from Guinea-Bissau, Liberia, and Sierra Leone.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in legislative and local elections. The APRC continued to dominate the political landscape during the year. In October 2001 presidential election, which most observers considered to be relatively free and fair despite some shortcomings, the President was reelected. The Constitution provides for the democratic election of the President every 5 years.

In January National Assembly elections were held and the major opposition coalition decided to boycott the elections. The opposition coalition accused the Independent Electoral Commission (IEC) of allowing fraudulent voter registrations and mismanaging both the presidential and national elections. The boycott was criticized widely as unjustified and as an inappropriate response to the alleged fraud and left many of its own candidates unfunded and unsupported at the time of the election. In January the APRC won the majority for the National Assembly, in part because the UDP/PPP opposition coalition boycotted the legislative election. The Democratic Organization for Independence and Socialism (PDOIS) won two seats and the National Reconciliation Party (NRP) won one seat. The President appointed four members of his own party and one former opposition presidential candidate to the 48-member assembly.

In April local elections were held that were considered generally free, fair, and transparent; however, the UDP boycotted the local elections, which allowed the APRC to run unopposed for many seats. There were unsubstantiated reports of vote-buying by the APRC and opposition parties.

In June 2001, the National Assembly passed several amendments that reduced the power of the IEC to control many fundamental election matters. The National Assembly gained the power to set the registration requirements for political parties and change constituency boundaries; local chieftaincies became presidential appointments instead of elected positions; voter registration requirements were relaxed; and the IEC lost the right to question voters about their citizenship during the registration process. International observers described the October 2001 presidential electoral process as generally free and fair, despite some shortcomings. Five opposition parties competed in the election and won approximately 47 percent of the votes cast; President Jammeh won approximately 53 percent of the vote. The opposition political parties initially conceded but then accused the Government of bribing voters and issuing threats, both explicit and veiled, against individuals and communities that did not support the incumbent. They accused the IEC of registering foreigners and issuing them voter cards, thereby permitting them to vote in the elections. Observers agreed there probably were some irregularities in the registration process, but on a much smaller scale than the UDP/PPP/GPP coalition alleged. The post-election period was marred when Jammeh fired more than 20 village heads and civil servants, several of whom were APRC members, who had not expressed public support for him during the campaign or who had been accused of corruption or incompetence; security forces also arrested and detained many opposition supporters throughout the country.

Approximately 55 percent of women registered to vote in the October 2001 presidential election. There were 7 women in the 48-seat National Assembly; three were elected, four were appointed by the President. There were 3 women in the 15-member Cabinet, including the Vice President. The Secretary General of the Government (the president's chief of staff and head of the civil service) was also a woman.

There were no statistics available on the percentage of minorities who compose the legislature or the cabinet. President Jammeh and many members of his administration were Jolas, an ethnic group that previously was marginalized; however, it now actively participates in government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The Government officials were somewhat cooperative and responsive to their views.

Unlike in the previous year, authorities did not arrest human rights activists.

Unlike in previous years, there were no sensitive, public cases of termination appealed to the ombudsman.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, disability, language, or social status, and the Government generally respected these prohibitions.

Women

Domestic violence, including abuse, was a problem. It was reported occasionally, and its occurrence was believed to be common. Police tended to consider these incidents to be domestic issues outside of their ordinary jurisdiction. Rape, spousal rape, and assault are crimes under the law; rape was not common. The law against spousal rape is difficult to enforce effectively, as many people do not consider it a crime and fail to report it. The law does not differentiate between married and unmarried women in this regard.

The practice of FGM was widespread and entrenched. There is no law against the practice. Reports placed the number of women who have undergone FGM at between 60 and 90 percent. Approximately seven of the nine major ethnic groups practiced FGM at ages varying from shortly after birth until 16 years old. FGM was less frequent among the educated and urban segments of those groups that practice FGM. There were unconfirmed reports of incidences of health-related complications, including deaths, relating to the practice of FGM; however, no accurate statistics were available. In recent years, the Government publicly has supported efforts to eradicate FGM and discouraged FGM through health education; however, the Government has not passed legislation against FGM, which is not considered a criminal act. President Jammeh publicly has stated that the Government would not ban FGM; however, the Government was working to convince traditional village leaders to support the abandoning of the traditional practice of FGM.

In June the media reported that religiously-motivated kidnapers abducted a 13 year-old-girl in Tanji village and forcibly circumcised her. The kidnapers did not deny the charges; rather they asserted that their action was justified because the girl voluntarily visited the circumcision site during the appointed period. Tradition dictates that an eligible girl who visits the circumcision site during the appointed period must be circumcised. Police filed criminal charges under laws prohibiting kidnaping and child endangerment. At least one women's group publicly protested the judge's decision against the defendants. As of this writing, the decision has been appealed, and the family is considering civil charges. Practitioners of FGM and other types of circumcision in the country firmly believe that Islam mandates it and its surrounding rites; however, Imam Baba Lee of the Kanifing Mosque declared that Islam forbids such harmful customs.

Prostitution is illegal but was a growing problem.

Sexual harassment is not prohibited by law and the Department of Women's Affairs oversee programs to ensure the legal rights of women. Sexual harassment is not believed to be widespread, although individual instances have been noted. Traditional views of women's roles resulted in extensive societal discrimination in education and employment. Employment in the formal sector was open to women at the same salary rates as men. No statutory discrimination existed in other kinds of employment; however, women generally were employed in such places as food vending or subsistence farming.

Shari'a law usually is applied in divorce and inheritance matters for Muslims, who make up approximately 90 percent of the population. Women normally received a lower proportion of assets distributed through inheritance than did male relatives.

Marriages often were arranged and, depending on the ethnic group, polygyny was practiced. Women in polygynous unions have property and other rights arising from the marriage. They have the option to divorce, but not a legal right to approve or be notified in advance of subsequent marriages.

The Department of Women's Affairs, under the direction of the Vice President, oversees programs to ensure the legal rights of women. Active women's rights groups exist (see Section 4).

Children

The Government was committed to children's welfare. The Department of Education and the Department of Health, Social Welfare, and Women's Affairs were the two most generously funded departments; however, lack of resources limited state provision of both education and health services.

The Constitution mandates free compulsory primary education up to 8 years of age, but the state of the educational infrastructure prevented effective compulsory education. The participation of girls in education was very low. Girls constituted approximately 40 percent of primary school students and roughly one-third of high school students. The enrollment of girls was low particularly in rural areas where a combination of poverty and sociocultural factors influenced parents' decisions not to send girls to school.

In October the Government implemented a program to pay school fees for all girls. The program covered only the highly populated area around the capital city in the first year; however, the Government hopes to expand the program to the entire country.

Authorities generally intervened when cases of child abuse or mistreatment were brought to their attention; however, there was no societal pattern of abuse against children. Any person who has carnal knowledge of a girl under the age of 16 is guilty of a felony (except in the case of marriage, which can be as early as 12 years of age). Incest also is illegal. These laws generally were enforced. Serious cases of abuse and violence against children were subjected to criminal penalties.

FGM was performed primarily on young girls (see Section 5, Women).

Child prostitution was a problem (see Section 6.f.).

Persons with Disabilities

There were no statutes or regulations requiring accessibility for persons with disabilities. No legal discrimination against persons with physical disabilities existed in employment, education, or other state services. Persons with severe disabilities subsisted primarily through private charity. Persons with less severe disabilities were accepted fully in society, and they encountered no discrimination in employment for which they physically were capable.

Section 6 Worker Rights

a. The Right of Association

The Labor Act, which applies to all workers except civil servants, specifies that workers are free to form associations, including trade unions, and provides for their registration with the Government. Unions must register to be recognized, and there were no cases where registration was denied to a union that applied for it. The Labor Act specifically prohibits police officers and military personnel, as well as other civil service employees, from forming unions. Approximately 20 percent of the work force was employed in the modern wage sector, where unions were most active. Approximately 30,000 workers were union members, constituting an estimated 10 percent of the work force.

The Gambian Worker's Confederation (GWC) and the Gambian Workers' Union (GWU) were the two main independent and competing umbrella organizations. The Government recognized both organizations.

Employers may not fire or discriminate against members of registered unions for engaging in legal union activities; and the Government has stepped in to assist workers who have been fired or discriminated against by employers.

Unions and union confederations may affiliate internationally, and there were no restrictions on union members' participation in international labor activities. The Gambia Worker's Union (GWU) was a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

The Labor Act allows workers to organize and bargain collectively. Although trade unions were small and fragmented, collective bargaining took place. Each recognized union has guidelines for its activities determined by the Joint Industrial Council Agreement (JIC), an arrangement among all of the active trade unions and their employers, which was drafted and signed by the unions. Unions were able to negotiate without government interference; however, in practice the unions lacked experience, organization, and professionalism, and often turned to the Government for assistance in negotiations. Union members' wages exceeded legal minimums and were determined by collective bargaining, arbitration, or agreements reached between unions and management and considered to be legal after insuring that the agreements are in compliance with the JIC. No denial of registration was reported. The act also sets minimum contract standards for hiring, training, terms of employment, and provides that contracts may not prohibit union membership.

The Labor Act authorizes strikes but requires that unions give the Commissioner of Labor 14 days' written notice before beginning an industrial action (28 days for essential services). The Labor Act specifically prohibits police officers and military personnel, as well as other civil service employees, from striking. It prohibits retribution against strikers who comply with the law regulating strikes. Upon application by an employer to a court, the court may

prohibit industrial action that is ruled to be in pursuit of a political objective. The court also may forbid action judged to be in breach of a collectively agreed procedure for settlement of industrial disputes. Because of these provisions and the weakness of unions, few strikes occur. There were no strikes during the year.

The Government established an export processing zone (EPZ) at the port of Banjul and the adjacent bonded warehouses. The Labor Code covers workers in the EPZs, and they were afforded the same rights as workers elsewhere in the economy.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor and there were no reports that such practices occurred. The law does not prohibit specifically forced and bonded labor by children; however, it is not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment

The Government does not have a comprehensive plan to combat child labor. The statutory minimum age for employment is 18 years. There is no effective compulsory education, and because of limited secondary school openings, most children completed formal education by the age of 14 and then began work. Employee labor cards, which include a person's age, were registered with the Labor Commissioner, who was authorized to enforce child labor laws. However, enforcement inspections rarely took place. Child labor protection does not extend to youth performing customary chores on family farms or engaged in petty trading. In rural areas, most children assisted their families in farming and housework. In urban areas, many children worked as street vendors or taxi and bus assistants. There were a few instances of child street begging. The tourist industry has stimulated a low level of child prostitution (see Section 5).

The Department of State for Labor was responsible for implementing the terms of the ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work

Minimum wages and working hours were established by law through six joint industrial councils and labor, management, and the Government were represented on these councils. The lowest minimum wage was approximately $0.66 (12 dalasi) per day for unskilled labor. This minimum wage was not sufficient to provide a decent standard of living for a worker and family. The minimum wage law covers only 20 percent of the labor force, essentially those workers in the formal economic sector. The majority of workers were employed privately or were self-employed, often in agriculture. Most citizens did not live on a single worker's earnings and shared resources within extended families.

The basic legal workweek was 48 hours within a period not to exceed 6 consecutive days. Nationwide the workweek included 4 8-hour workdays and 2 4-hour workdays (Friday and Saturday). A 30-minute lunch break was mandated. Government employees were entitled to 1 month of paid annual leave after 1 year of service. Private sector employees receive between 14 and 30 days of paid annual leave, depending on length of service.

The Labor Act specifies safety equipment that an employer must provide to employees working in designated occupations. The Factory Act authorizes the Ministry of Labor to regulate factory health and safety, accident prevention, and dangerous trades, and the Ministry is authorized to appoint inspectors to ensure compliance with safety standards. Enforcement was inconsistent due to insufficient and inadequately trained staff. Workers may demand protective equipment and clothing for hazardous workplaces and have recourse to the Labor Department. The law provides that workers may refuse to work in dangerous situations without risking loss of employment; however, in practice workers who do so risk loss of employment.

The law protects foreign workers employed by the Government; however, it only provides protection for privately employed foreigners if they have a current valid work permit. Foreign workers may join local unions.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports of trafficking in persons. The tourist industry has stimulated a low level of child prostitution, which was prosecuted vigorously.